



On appeal, the appellant states that his element has a low interest program for the construction of water and wastewater plants, water, wastewater and storm water systems, and combined sewer overflow abatements. The appellant states that his duties include the responsibility to make sure the provisions of the contracts are adhered to. The appellant details his duties and maintains that he should be admitted to the subject examination.

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

### CONCLUSION

In the present matter, a review of the documentation demonstrates that the appellant is not eligible for the examination. Incumbents in the Engineering Technician 1 title primarily supervises two or more units engaged in engineering support functions. As such, experience required to establish eligibility for the subject examination would be considered out-of-title work for incumbents in this title. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. The appellant has not submitted documentation from the appointing authority with his appeal indicating that he was required to primarily perform the asserted out-of-title duties and he is not a provisional incumbent in the title. Therefore, no basis exists to accept any asserted out-of-title experience. As such, he was properly deemed ineligible for the subject examination.

A thorough review of all material presented indicates that the determination of the Division of Agency Services, that the appellant did not meet the announced requirements for eligibility by the examination closing date, is supported by the record. Thus, the appellant has failed to support his burden of proof in this matter.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON THE  
2<sup>nd</sup> DAY OF MAY, 2018

*Deirdre L. Webster Cobb*

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